

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.9018 of 2019

M/s Cholamandalam Investment and Finance Company Limited,
'Dare House' , No.2, NSC Bose Road,
Parrys, Chennai-1.

Rep. by its Authorised signatory. ... Applicant

Vs

Mr. Balaram Jagadish Dube ... Respondent

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (ii)(a)(b)(d) and (e) of the Arbitration and Conciliation Act, 1996, to appoint employee of the applicant viz. Mr. Partha Halder, Regional Receivables Manager, as a receiver to seize and take possession of the vehicle more fully described in the schedule to the judges summons which is lying in the custody of the respondent or respondent's men, agents, servants from the premises of the respondent or wherever found with the police aid and break open of premises if necessary.

For Applicant : Mr. D.Pradeekkumar

For respondent : No appearance

ORDER

This application has been filed for interim measure for appointing a receiver to seize the vehicle.

2. It is the case of the applicant that as per the loan agreement dated 29.06.2017, the respondent has availed a sum of Rs.28,50,000/-. As the respondent committed default, it is the contention of the applicant that unless a receiver is appointed to take charge of the vehicle, there will be irreparable injury and the vehicle will be sold by the other side. Hence, it is prayed for appointment of a receiver.

3. In such view of the matter, if the vehicle is allowed to be sold by the respondent, the very right of the applicant will be defeated.

4. Taking into consideration that the applicant has made out a prima facie case and balance of convenience is in favour of the applicant, Mr. Partha Halder, Regional Receivables Manager of the applicant company is appointed as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of four weeks from the date of receipt of a copy of this Order.

5. The receiver will be entitled to take possession of the vehicle from the respondents or their agents or any one in possession thereof. If necessary, the Receiver shall get police assistance and the Station House Officer of the concerned Police Station, within whose jurisdiction the vehicle is found, will render requisite assistance for this purpose.

6. This Order of appointment shall be served on the respondent by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

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N.SATHISHKUMAR, J.
mst



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